



Senate

General Assembly

File No. 841

January Session, 2013

Substitute Senate Bill No. 1075

Senate, May 23, 2013

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING CIVIL ACTIONS AGAINST AN EMPLOYER
FOR FAILURE TO PAY WAGES OR COMPENSATION OR MAKE
PAYMENTS TO AN EMPLOYEE WELFARE FUND.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-72 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 When any employer fails to pay an employee wages in accordance
4 with the provisions of sections 31-71a to 31-71i, inclusive, or fails to
5 compensate an employee in accordance with section 31-76k, or where
6 an employee or a labor organization representing an employee
7 institutes an action to enforce an arbitration award which requires an
8 employer to make an employee whole or to make payments to an
9 employee welfare fund, such employee or labor organization [may]
10 shall recover, in a civil action, twice the full amount of such wages,
11 with costs and such reasonable attorney's fees as may be allowed by
12 the court, [and any] unless the employer establishes that the employer
13 had a good faith belief that its underpayment of wages was in

14 compliance with law. Any agreement between [him] an employee and
15 his or her employer for payment of wages other than as specified in
16 said sections shall be no defense to such action. The Labor
17 Commissioner may collect the full amount of any such unpaid wages,
18 payments due to an employee welfare fund or such arbitration award,
19 as well as interest calculated in accordance with the provisions of
20 section 31-265 from the date the wages or payment should have been
21 received, had payment been made in a timely manner. In addition, the
22 Labor Commissioner may bring any legal action necessary to recover
23 twice the full amount of unpaid wages, payments due to an employee
24 welfare fund or arbitration award, and the employer shall be required
25 to pay the costs and such reasonable attorney's fees as may be allowed
26 by the court. The commissioner shall distribute any wages, arbitration
27 awards or payments due to an employee welfare fund collected
28 pursuant to this section to the appropriate person.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	31-72
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JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill provides that an employee or labor organization shall, rather than may, receive twice the full amount of wages, costs and attorney's fees associated with an employer's failure to pay wages unless the employer can demonstrate good faith belief that it was complying with the law. The bill has no fiscal impact, as it is not anticipated to change the number or value of awards to former state or municipal employees.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1075*****AN ACT CONCERNING CIVIL ACTIONS AGAINST AN EMPLOYER FOR FAILURE TO PAY WAGES OR COMPENSATION OR MAKE PAYMENTS TO AN EMPLOYEE WELFARE FUND.*****SUMMARY:**

This bill requires, rather than allows, a court to award double damages, costs, and attorney's fees when it finds that an employer failed to pay an employee's wages, benefits, or arbitration award, unless the employer proves a good faith basis for believing that its underpayment complied with the law. It is unclear if the employee could recover anything in a civil suit in which the employer proved such a good faith basis for the underpayment. Existing law also allows the labor commissioner to collect the unpaid wages and payments or bring a civil suit on the employee's behalf.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Legislative History***

The Senate referred the original bill (File 318) to the Judiciary Committee, which removed its reporting requirements for construction contractors.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 7 Nay 3 (03/19/2013)

Judiciary Committee

Joint Favorable Substitute

Yea 21 Nay 13 (05/14/2013)